

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
EDEN PINO, LESTER MONCADA, and :  
WALTER ULLOA, on behalf of themselves and :  
all others similarly situated, :

*Plaintiffs,* :

Case No. 17-cv-5910 (KAM)(RER)

– against – :

HARRIS WATER MAIN & SEWER :  
CONTRACTORS, INC., STEVEN KOGEL, :  
individually, and BRETT KOGEL, individually, :

*Defendants.* :

**DECLARATION OF**  
**TARA TOEVS CAROLAN**  
**IN SUPPORT OF PLAINTIFFS’**  
**MOTION FOR CONDITIONAL**  
**CERTIFICATION**

-----X  
Tara Toevs Carolan hereby declares the following to be true under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am Counsel with the law firm of Tarter Krinsky & Drogin LLP, counsel for Plaintiffs in this action.

2. I offer this Declaration in connection with Plaintiffs’ Motion for Conditional Certification pursuant to 29 U.S.C. § 216(b).

3. Plaintiffs commenced this action on behalf of themselves and all others similarly situated by filing Plaintiffs’ Class and Collective Action Complaint on October 10, 2017 (Doc. 1) (a copy of which is attached at **Exhibit A**).

4. On January 25, 2018, Plaintiffs submitted a letter (Doc. 19), and exhibits thereto, regarding Plaintiffs’ anticipated motion for an order, pursuant to 29 U.S.C. § 216(b), conditionally certifying a collective action and, *inter alia*, authorizing the distribution of a collective action notice to putative collective action members.

5. On February 2, 2018, Defendants submitted a letter (Doc. 20) in opposition.

6. On February 9, 2018, a telephone conference was held before this Court discussing, *inter alia*, Plaintiffs' motion for pre-motion conference and whether the parties would be able to negotiate a proposed notice to the putative collective action members.

7. By email dated February 16, 2018, Defendants' counsel advised that they had been "instructed not to stipulate to the notice."

8. Attached at **Exhibit B** is a copy of Plaintiffs' proposed collective action Notice.

9. Attached at **Exhibit C** is a copy of Plaintiffs' proposed Consent form.

10. Attached at **Exhibit D** is a copy of Plaintiffs' proposed Deadline Reminder.

11. Attached at **Exhibit E** is the Declaration of Eden Pino executed January 24, 2018.

12. Attached at **Exhibit F** is the Declaration of Lester Moncada executed February 21, 2018.

13. Attached at **Exhibit G** is the Declaration of Walter Ulloa executed February 21, 2018.

14. Attached at **Exhibit H** is the Declaration of Ariel Mendoza executed February 23, 2018.

15. Attached as **Exhibit I** is a copy of the Consent to Sue (Doc. 18) signed by and filed on behalf of Ariel Mendoza on January 24, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2018.

---

s/Tara Toevs Carolan  
TARA TOEVS CAROLAN